

104TH CONGRESS  
2D SESSION

# **S. 1463**

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## **AN ACT**

To amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DEFINITIONS OF DOMESTIC INDUSTRY AND**  
2 **LIKE OR DIRECTLY COMPETITIVE ARTICLES.**

3 (a) DEFINITION OF DOMESTIC INDUSTRY.—Section  
4 202(c)(4) of the Trade Act of 1974 (19 U.S.C.  
5 2252(c)(4)) is amended—

6 (1) by striking “and” at the end of subpara-  
7 graph (B),

8 (2) by striking the period at the end of sub-  
9 paragraph (C) and inserting “; and”, and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(D) may, in the case of one or more do-  
13 mestic producers who produce a like or directly  
14 competitive perishable agricultural product dur-  
15 ing a particular growing season, limit the do-  
16 mestic industry to those producers if the pro-  
17 ducers sell all or almost all of their production  
18 of the article in that growing season and the  
19 demand for the article is not supplied, to any  
20 substantial degree, by other domestic producers  
21 of the article who produce the article in a dif-  
22 ferent growing season.”.

23 (b) DEFINITION OF LIKE OR DIRECTLY COMPETI-  
24 TIVE ARTICLE; CONSIDERATION OF IMPORTED ARTI-  
25 CLE.—Section 202(c)(6) of such Act is amended by add-  
26 ing at the end the following new subparagraphs:

1           “(E) In the case of a perishable agricul-  
 2           tural product produced by a domestic industry  
 3           described in paragraph (4)(D), the term ‘like or  
 4           directly competitive article’ means only the arti-  
 5           cles produced by the industry during the appli-  
 6           cable growing season.

7           “(F) In the case of a perishable agricul-  
 8           tural product, the Commission may limit its  
 9           consideration to imported articles that are en-  
 10          tered, or withdrawn from warehouse for con-  
 11          sumption, during the same growing season as  
 12          the like or directly competitive product.”.

13          (c) RELIEF LIMITED TO CERTAIN IMPORTED PROD-  
 14          UCTS.—Section 202(d)(4) of the Trade Act of 1974 (19  
 15          U.S.C. 2252(d)(4)) is amended by adding at the end the  
 16          following new subparagraph:

17               “(E) The Commission may, in the case of  
 18               a perishable agricultural product, limit provi-  
 19               sional relief to imported articles that are en-  
 20               tered, or withdrawn from warehouse for con-  
 21               sumption, during the same growing season as  
 22               the like or directly competitive product.”.

23          (d) CONFORMING AMENDMENT.—Section 202(d)(5)  
 24          of the Trade Act of 1974 (19 U.S.C. 2252(d)(5)) is

1 amended in the matter preceding subparagraph (A), by  
2 striking “subsection” and inserting “section”.

3 (e) EFFECTIVE DATE.—The amendments made by  
4 this Act apply with respect to investigations initiated pur-  
5 suant to section 202(b) of the Trade Act of 1974 (19  
6 U.S.C. 2252(b)) and requests for provisional relief initi-  
7 ated pursuant to section 202(d) of such Act (19 U.S.C.  
8 2252(d)) after the date of the enactment of this Act.

Passed the Senate January 26, 1996.

Attest:

*Secretary.*

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